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From: Frederick J. Perdomo
Sent: Tue 10/24/2017 11:27:30 PM
Subject: NDEP's Response to EPA Comments and drafts of the IAOC, RI/FS SOW, and RD/RA SOW
[NDEP 2nd Response to EPA Anaconda IAOC v.2017.10.24.docx](#)
[Draft Administrative Order on Consent v. NDEP 2017.10.24.docx](#)
[Draft RIFS SOW v.2017.10.24.docx](#)
[Draft RDRA SOW v.2017.10.24.docx](#)

Good afternoon,

I have attached NDEP's 2nd Response to EPA's Comments, dated September 15, 2017, and drafts of the Interim Administrative Order on Consent (IAOC) as well as the RI/FS and RD/RA statements of work (SOW). These documents include revisions which are consistent with NDEP's responses to EPA's comments and the following additional edits:

●■■■■■■■■ IAOC

- ¶¶ 93(a-b) include edits to the Property Requirements section based on ongoing discussions with ARC and SPS;
- ¶¶ 159-161 include edits to the Financial Insurance section based on ongoing discussions with ARC.

●■■■■■■■■ RI/FS SOW

- §§ 6, 6.5, 7, 7.6 include edits that provide flexibility to combine or separate certain Site Characterization tasks and risk assessment deliverables for OUs if it is determined that it will accelerate the project schedule or if it is deemed appropriate or necessary;
- § 7.2 includes an edit in the last line changing OU-2 to OU-4b as the paragraph is referring to OU-4b;
- § 10.2 includes edits to the RI/FS deliverable schedule.

●■■■■■■■■ RD/RA SOW

- §§1.3, 4.1 include edits that allow for flexibility in designing and constructing the evaporation ponds;

- § 3.1(g) includes edits that provide for the possibility of multiple work plans;
- § 3.1 (k), 8.4(a), and 9.2(1) deletes references which suggest that ARC is required to submit a new HASP and includes an edit to section 8.4 which requires ARC to submit an updated HASP with its responses to NDEP's comments on the draft RD/RA Work Plan and before commencement of RD field activities;
- § 4.2(b) includes an edit which requires preliminary drawings and technical specifications with the Draft CMUs 4 and 5 FMS Ponds RD;
- §8.4(b) – Requires ARC to submit and updated ERP with the updated HASP;
- §9.2 – Requires ARC to submit the updated HASP and ERP 60 days prior to Remedial Action Construction.

As always, if you have questions about this email or any of its attachments, please feel free to contact my office.

--Rick

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